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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,645	09/08/2003	Royce H. Husted	RH-31	2821
7590 03/02/2006 Nicholas A. Camasto Ltd 545 Thatcher River Forest, IL 60305			EXAMINER NGUYEN, TAM M	
			ART UNIT 3764	PAPER NUMBER
DATE MAILED: 03/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/657,645	<b>Applicant(s)</b> HUSTED ET AL.	
	<b>Examiner</b> Tam Nguyen	<b>Art Unit</b> 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "rear leg 15" on Page 3, line 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rawls et al. (5,910,072).

2. As to claims 1 and 2, Rawls et al. disclose a glider exercise machine comprising a frame (20), a foot platform (12), a link (18) coupled between a pivot on said frame and

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a pivot on said foot platform for swingably supporting said foot platform from said frame, a tension spring (118) in said link for absorbing shock, a spring cage (119), for limiting displacement of the tension spring, coupled to one of the pivots and the tension spring is coupled to the other of said pivots (see Figs. 1 & 19).

3. As to claims 3 and 4, Rawls et al. disclose an exercise machine as described above. Rawls also discloses that the swing cage includes a resilient stop (116) comprising a compression spring for cushioning displacement of said tension spring (see Fig. 19).

4. As to claim 9, Rawls et al. discloses a glider exercise machine comprising a frame having rear pivots (70), a pair of foot platforms (12,14) having heel end pivots, A pair of links (18) coupled between the pivots for supporting the foot platforms wherein the links include a tension spring (118), a spring cage (119) and a resilient stop (116) for cushioning displacement of the tension spring and the tension spring is coupled between the spring cage and a heel end pivot (see Figs. 1-3, 18 and 19).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rawls et al. (5,910,072).

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5. As to claims 5 and 10, Rawls et al. discloses an exercise machine as described above (see discussion of Claims 4 and 9). Rawls et al. also disclose that the resilient stop (116) includes an orifice, but Rawls does not disclose that the link comprises a cable. Instead Rawls discloses that the link comprises a bar (104). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to substitute Rawls' bar with a cable since both linking means are considered to be functionally equivalent in the prior art in providing a pivotable link between a frame and foot support. Furthermore, the applicant has suggested that a rod or steel cable is interchangeable by disclosing that the links may be rigid (as in a rod) or may comprise steel cables (see Specification, Page 3, lines 9-10).

6. As to claims 6 and 11, Rawls et al. disclose a modified exercise machine as described above (see discussion of claim 5). Rawls further discloses an intermediate member (114) coupling said tension member (118) to said cable/rod (104) (see Fig. 18). Rawls does not disclose a washer for cushioning impact between said intermediate member (114) and said compression spring (116). The Examiner takes Official Notice that the prior art includes exercise devices having washers that separate springs from other components. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to place a washer between the intermediate member and the compression spring to prevent wear and tear on the components due to friction to extend the life of the components.

7. As to claim 7, Rawls et al. disclose a modified exercise machine as described above (see discussion of claim 6). Rawls also discloses that the spring cage (119) is

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coupled to the pivot on the frame and the tension spring (118) is coupled to the pivot on the foot platform (see Figs. 1 and 17-19).

As to claims 8 and 12, Rawls et al. disclose a modified exercise machine as described above. Rawls also discloses a cover/protective shield (108) over the spring cage (119), the tension spring (118) and the compression spring (116) (see Fig. 19).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stearns '252, Henderson et al. '490, Stearns '397, Piaget et al. '146, Kendrew '209 and Birrell et al. '055 are representative of the prior art that discloses exercise devices having links with springs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 24, 2006

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STEPHEN R. CROW  
PRIMARY EXAMINER  
ART UNIT 332